

U.S. Patent Application No. 10/784,379  
Amendment dated April 15, 2005  
Reply to Office Action of December 17, 2004

### **REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims is editorial in nature and/or further defines what the applicants regard as the invention. Full support for the amendment can be found in the application, including, for example, from page 13, line 19 to page 15, line 22 of the present specification. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

### **Applicants Record of Substance of Interview**

Applicants thank Examiner Koyama and Primary Examiner Lee for extending the courtesy of a personal interview of the application on March 16, 2005. During the interview, the set of claims 21 - 25, 28 - 56, and 59 - 63, which were rejected over Koziol et al. (U.S. Patent No. 5,900,613) in the Office Action of December 17, 2004, were discussed, focusing on independent claim 21. Applicants' representative explained to the Examiners that Koziol et al. does not teach or suggest a "function switch" as required by independent claim 21. The Examiners took the position that the term "function switch," if given its broadest interpretation, is not limited in meaning to a physical switch and alleged that the term "function switch" can include any switching function, such as may also be accomplished electronically, or by software. The Examiners alleged that the claims as written did not specify a physical switch. The Examiners noted that if claim 21 were amended so that the function switch is described as "user selected," such amendment would overcome the rejection for anticipation over Koziol et al. Further, the set of claims 20, 26, 27, 57, and 58, which were rejected over under 35 U.S.C. §103(a) over Koziol et al. in view of Nishibori et al. (U.S. Patent No. 5,850,212) in the Office Action of December 17, 2004, were discussed,

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focusing on independent claim 20. Applicants' representative pointed out to the Examiner that since Koziol et al. does not disclose a user-activated function switch or a switching means activated by pressing (as in independent claim 20), then it is not possible to combine this reference with Nishibori et al, which teaches an input processing system wherein specific input operations are carried out based on the pressing time of a button.

In view of the items that were discussed in the interview, Applicants submit the above claim amendments and the following remarks.

**Rejection of claims 21 - 25, 28 - 56, and 59 - 63 under 35 U.S.C. §102(b) over Koziol et al.**

At page 2 of the Office Action, the Examiner rejected claims 21 - 25, 28 - 56, and 59 - 63 under 35 U.S.C. §102(b) as being anticipated by Koziol et al. (U.S. Patent No. 5,900,613).

Regarding claims 21, 25, 33 - 38, 46 - 51, 52, and 56, the Examiner alleged that Koziol et al. teaches a trigger that causes power up and initializes the reader and shows a decoding routine that decodes the image received by illuminating the target and teaches that the image is first decoded in a 1D decoder, and if this is unsuccessful, the processor switches to a 2D decoder. The Examiner alleged that this disclosure of a switching by the processor from a 1D decoder to a 2D decoder teaches the function switch. The Examiner further alleged that Koziol et al. teaches a read/write random access memory that stores programs and that operating parameters are stored in the parameter table and these parameter tables are stored in the storage. The Examiner further alleged that Koziol et al. teaches that the processor and ASIC are programmable control devices that are able to receive, output and process data in accordance with these storage devices and that such disclosure teaches a previous data resending function because data are outputted and processed. The Examiner further alleged that Fig. 7A shows a format for a menu message or word that is produced as a result of decoding of a menu symbol selected by the user and that such a word

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is an arbitrary character string sending function. The Examiner further alleged that the word 650 comprises simple commands and specifies a change that is made at a particular part of the parameter table, using specified data. The Examiner alleged that such disclosure teaches a check operation mode and that the parameters include a plurality of code parameters for controlling the decoding programs and a plurality of scanning-decoding parameters for controlling the scanning and decoding activities. The Examiner further alleged that Koziol et al. teaches a menuing program of changing the parameters of the parameter table and a reprogramming program responsive to a program command generated by a data source. The Examiner alleged that Koziol et al.'s invention enables a user to determine the current operating mode of an optical reading apparatus, and to rapidly and conveniently change that operating mode to optimize it for operation under the current conditions. Regarding claims 22, 39, and 53, the Examiner alleged that Koziol et al. discloses a scanning-decoding event initiated by respective signal actuations for a manual trigger. Regarding claims 23, 40, and 54, the Examiner alleged that Koziol et al. first performs a 1D decoding process, and if 1D decoding process is unsuccessful, a 2D decoding process is automatically initiated. Regarding claims 24, 41, and 55, the Examiner alleged that Koziol et al. teaches a "Repeat Until Done," wherein the decoding process repeats until a successful decode is performed. Regarding claims 28, 29, 42, 43, 59, and 60, the Examiner alleged that Koziol et al. further teaches a multiple read process such that when the multiple symbols option is enabled, the processor assumes that more than one symbol is present in the image data and loops back to make additional decoding attempts. Regarding claims 30, 35, 44, and 61, the Examiner alleged that the decoding process is repeated looped until the trigger is released and that the loop is interrupted by the user's release of the trigger or by a successful decode. Regarding claims 31, 32, 45, 62, and 63, the Examiner alleged that Koziol et al. also teaches programs relating to diagnostic or test programs (col. 20, lines 1-4),

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particularly that the decoding process is repeatedly looped until the trigger is released and that the loop is interrupted by the user's release of the trigger or by a successful decode (col. 11, lines 20-35). For the following reasons, this rejection is respectfully traversed.

Although applicants believe that it should have been clear from the specification that the term "function switch" refers to a user-selectable switch and not to a switching function carried out by software, claims 21, 38, 51, and 52 recite that the function switch is a user-selectable function switch. Koziol et al. does not teach or suggest the feature of a user-selectable function switch capable of executing a function different from that of the trigger means. At best, Koziol et al. describes a software switching function that automatically and internally converts the decoder of Koziol et al. from 1D to 2D operation if 1D decoding is not successful. This switching function carried out by software is clearly not a user-selectable function switch as recited in independent claims 21, 38, 51, and 52. Further, although Koziol et al. describes that an operating mode of its reading apparatus can be changed, this change is not accomplished by a user-selectable function switch, but rather by having the reading apparatus read a prerecorded menu symbol that is printed in a User Manual (col. 12, line 45 - 51). A person using the Koziol et al. reading apparatus would be able to make a change in the operating mode of the reading apparatus only if they happened to have a copy of the User Manual containing the preprinted codes. Clearly, this method of effecting a change in an operating mode does not teach or suggest a user-selectable function switch. Therefore, claims 21 - 25, 28 - 56, and 59 - 63 are clearly patentable over Koziol et al., and the rejection should be withdrawn.

**Rejection of claims 20, 26, 27, 57, and 58 under 35 U.S.C. §103(a) over Koziol et al. in view of Nishibori et al.**

At page 4 of the Office Action, the Examiner rejected claims 20, 26, 27, 57, and 58 under

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35 U.S.C. §103(a) as being unpatentable over Koziol et al. in view of Nishibori et al. (U.S. Patent No. 5,850,212). The Examiner reasserted the previous characterization of Koziol et al., but acknowledged that Koziol et al. fails to teach the limitations of pending claims 20, 26, 27, 57, and 58 of a pressed time, wherein the pressed time of the function switch is shorter than a predetermined time, the selected function is executed and when the pressed time of the function switch is longer than the predetermined time, the selected operation mode is changed. The Examiner alleged that Nishibori et al. teaches a function for determining whether the pressing time of a button is within or outside of a predetermined time, and wherein if the pressing time is within the predetermined time, the input mode is changed and if the pressing time is outside the predetermined time, the process corresponding to an input mode is carried out. The Examiner took the position that it would have been obvious to combine the teachings of Koziol et al. and Nishibori et al. to enable an easy operating scanner that is user friendly to the user by providing very easy methods to change the mode without going through complicated programming techniques and technical questions. For the following reasons, this rejection is respectfully traversed.

Regarding claims 26, 27, 57, and 58, these claims depend from claim 21 or claim 56 and are therefore clearly patentable over Koziol et al. for the reasons discussed above. Since Koziol et al. does not teach or suggest a user-selectable function switch then it is not possible to combine this reference with Nishibori et al., which relates to an input processing system wherein specific input operations are carried out based on the pressing time of a button. In other words, since Koziol et al. does not teach or suggest any user-selectable function switch of any kind, it is not possible to arrive at the present invention by combining this reference with Nishibori et al., which relates to a particular type of switch. The same argument applies to claim 20, which, in summary, recites a switching means for setting an operation mode and executing an operation mode, wherein a setup

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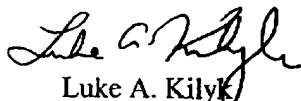
step for setting an operation mode is based on a first predetermined pressed time of the switching means and an execution step is based on a second predetermined pressed time for the switching means. Here again, since Koziol et al. does not teach or suggest any switching means for setting and executing an operation mode for an optical information reader based on a pressing time of a switch, it is not possible to arrive at the claimed invention by combining this reference with Nishibori et al., which relates to a particular type of switch. Therefore, claims 21 - 25, 28 - 56, and 59 - 63 are clearly patentable over Koziol et al. and Nishibori et al., alone or in combination, and the rejection should be withdrawn.

#### CONCLUSION

In view of the foregoing amendment and remarks, the applicants respectfully request the reconsideration of this application, and the timely allowance of all the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk  
Registration No. 33,251

Attorney Docket No. 3140-010-01  
KILYK & BOWERSOX, P.L.L.C.  
53 A East Lee Street  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720